

## REMARKS

Reconsideration of the present patent application is respectfully requested.

The eighteen (18) claims presently pending have been rejected based upon various patent references under both 35 U.S.C. § 102(b), 35 U.S.C. § 102(e) and under 35 U.S.C. § 103(a).

More specifically, claims 1-4, 8-9, 11-14, and 16-17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Headley et al. Claims 1, 6, 7, and 9 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Joshi et al. Claims 1, 6, 7, 8, and 9 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Herman et al. Claims 1, 2, 9, 11, 12, and 17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by GB 2302049. Claims 5, 10, 15, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Headley et al. in view of Wilkinson. Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Joshi et al. Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Joshi et al. in view of Wilkinson. Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Herman et al. in view of Wilkinson. Claims 3, 4, 8, 13, 14, and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over GB 2302049. Claims 5, 10, 15, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over GB 2302049 in view of Wilkinson.

The Examiner's attention is drawn to the fact that claim 1 has been amended so as to bring elements previously recited in the preamble into the body of the claim.

Additionally, the structure recited in dependent claim 2 has been added to claim 1 and

claim 2 has been canceled. Claim 3 has been amended for changing the claim dependency reference and claims 6-10 have been canceled in view of the amendment to claim 1. Claim 11 has been amended in a manner similar to claim 1, bringing into claim 11 similar rewrites as well as the element recited in dependent claim 12. In a similar fashion, claim 12 has been canceled and claim 13 has been amended so as to change the claim dependency reference. Claims 14-18 have not been changed. New claims 19-21 have been added.

In reviewing the Office Action, it is noted that the elements recited in dependent claims 2 and 12 were rejected under 35 U.S.C. § 102(b) as being anticipated in one case by Headley et al. and in the other case by GB 2302049. Accordingly, if the amended form of claim 1 that now includes the element of claim 2 and if the amended form of claim 11 that now includes the element of claim 12 are found to be patentable over Headley et al. and GB 2302049, then these two independent claims would be in condition for allowance and all claims depending therefrom, notwithstanding any other rejections expressed by the Examiner, would be allowable. Accordingly, the focus of the following remarks is directed to the structural differences between amended claims 1 and 11 and the Headley et al. and GB 2302049 references. Some of these remarks are applicable to new claims 19-21, as discussed hereinafter.

With regard to Headley et al., the Examiner has rejected claims 1 and 2 based upon the contention that a base plate or support plate is provided by reference item 16 and that this structure includes a peripheral lip which receives a projection of the rotor housing (C). Notwithstanding that column 4 of the Headley et al. patent describes its two-piece bowl body as consisting of bowl 14 and cap 16, Headley et al. does not

disclose a base plate for a fluid separation device that is positioned within the rotor housing. Further, Headley et al. does not provide a generally cylindrical projection that is spaced inwardly from the housing wall. What the Examiner has done is to use the rotor housing (cap 16) as constituting the base plate which is logically and structurally inconsistent and at odds with Applicants' claimed invention. What has been claimed and described by the Applicants in claims 1, 11, 19, 20 and 21 is a structure (base plate or support plate) that is designed as part of a fluid separation device and it is the fluid separation device that is positioned within the rotor housing. These structural recitations that are now part of independent claims 1, 11, 19, 20 and 21 adequately and convincingly distinguish the claimed structure from Headley et al., even with Headley et al. being interpreted in the manner chosen by the Examiner.

With regard to the United Kingdom reference (GB 2302049), the referenced support plate (35) is interior to the rotor housing, but it is questioned whether it is in fact part of a fluid separation device that is positioned within the rotor housing. Nevertheless, the rotor housing (21) does not define a generally cylindrical projection that is spaced inwardly from the housing wall nor is there any disclosure of the modified portion. In claims 1 and 11, this modified portion is recited as having a U-shaped cross section, and being connected to a generally cylindrical projection for establishing a sealed interface. In claims 19-21, this portion (i.e., cylindrical wall portion) is recited without reference to any U-shaped cross section, but the result is the same, GB2302049 does not include a corresponding base nor any corresponding design. Clearly, the structural recitations in independent claims 1, 11, 19, 20 and 21 distinguish over the United Kingdom reference based on the specific recitation of the base plate/support plate as being part of a fluid

separation device and, importantly, these claims distinguish over the cited reference by the recitation of the generally cylindrical projection that is spaced inwardly from the rotor housing wall.

In view of the amending changes made to claims 1 and 11, noting that the elements of dependent claims 2 and 12 have been included, and considering the rejections by the Examiner, it is believed that amended claims 1 and 11 are in condition for allowance.

Claims 19, 20, and 21 are each drafted in a form that is similar to claim 1, but without the U-shaped description. As such, many of the remarks regarding the Headley et al. patent and GB 2302049 are applicable to independent claims 19, 20, and 21. Since some of the basics of claims 19, 20, and 21 are similar to the as-filed form of claim 1, it may be helpful to consider the rejections of claim 1 as part of the evaluation of these three new claims. In addition to Headley et al. and GB 2302049 (already discussed), claim 1 was rejected under 35 U.S.C. § 102(e) as being anticipated by Joshi et al. Claim 1 was also rejected under 35 U.S.C. § 102(e) as being anticipated by Herman et al.

Being filed on even date herewith is a Request for correction of inventorship in the present patent application by the addition of another inventor. Also being filed as Exhibits A and B to this Response are affidavits of inventors Herman and Bagci (to be added) establishing that this two-person inventive entity is responsible for the conception of the radially inward, generally cylindrical wall of the lower rotor housing (23) and the contacting generally cylindrical wall of the base plate as illustrated in FIGS. 1, 2, and 2A of the cited Herman et al. reference, as one example. It is to be noted that this wall-to-wall contact is disclosed but is not claimed in the cited Herman et al. reference. This

same inventive entity is responsible for the wall-to-wall contact that is disclosed and claimed in the present application and this particular structural relationship, as presented in the present application, was derived from the prior conception by the same inventive entity. This conception occurred before the filing date of the Herman et al. reference. Therefore, this is not the invention “by another” under 35 U.S.C. § 102(e). As a result of the Request for correction of inventorship and in view of the inventor Affidavits (Exhibits A and B), the Herman et al. reference does not constitute prior art to the claimed invention. This leaves only the Joshi et al. patent to be discussed in the context of claim 1, and in essence in the context of new claims 19, 20 and 21.

Joshi et al., as interpreted and applied by the Examiner, is stated to have a base plate (3) and a rotor housing (2). However, the base plate is not integral with a centertube (2) and the abutment contact between the rotor housing projection is not against the inside surface of the housing projection. Further, there is no disclosure in Joshi et al. of any spin weld (claim 19), nor of any interference fit (claim 20), nor the use of any adhesive (claim 21) for establishing a sealed interface between the wall portion and the projection. These are structural features and relationships recited in claims 19-21 that are not disclosed nor suggested by Joshi et al.

While Joshi et al. does describe a sealed point or interface between the rotor turbine 2, the baffle screen assembly 3, and the turbine can 5, near the bottom of the rotating parts of the centrifuge, the Joshi et al. design provides an O-ring 6 for this purpose. As specifically stated beginning in line 1 of column 4 of the Joshi et al. patent, the centrifuge 13 further includes an O-ring 6 for sealing the connection. In other words,

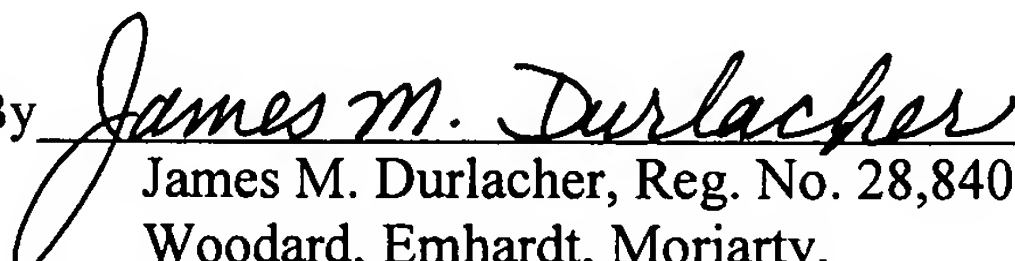
the sealing of the connection is performed by the O-ring and not by the fit between abutting or adjacent component parts.

Further, since the claimed invention of claims 19-21 include specific structural differences from Joshi et al., and differences which contribute to the overall design efficiency and reliability, these claims are in condition for allowance.

In view of the addition of claims 19-21, an additional filing fee in the amount of \$172 has been calculated and a check in that amount is enclosed.

Based upon the foregoing amendments and arguments, it is submitted that claims 1, 3-5, 11, 13-18, and 19-21 are in condition for allowance and are respectfully requested to be passed to issue.

Respectfully submitted,

By   
James M. Durlacher, Reg. No. 28,840  
Woodard, Emhardt, Moriarty,  
McNett & Henry LLP  
Bank One Center/Tower  
111 Monument Circle, Suite 3700  
Indianapolis, Indiana 46204-5137  
(317) 634-3456